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Attorneys for the United States,

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN ENRIQUE HERNANDEZ-
RODRIGUEZ,

Defendant.

No. 09-01058 JW

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, February 1, 2010 at 1:30 p.m., be continued to Monday, **MARCH 1, 2010** at 1:30 p.m. Government counsel will be unavailable on February 1, and the parties require time to discuss ongoing settlement discussions.

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1 The parties further agree that time should be excluded under the Speedy Trial Act for
2 continuity of counsel, and because the parties require time for effective preparation, and the ends
3 of justice outweigh the defendant's and the public's need for a speedy trial.

4 Dated: 1/26/10

/s/

CYNTHIA LIE
Assistant Federal Public Defender

6 Dated: 1/26/10

/s/

STEVEN SEITZ
Special Assistant United States Attorney

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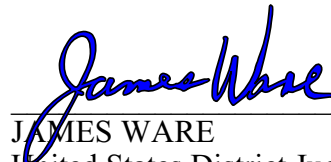
[PROPOSED] ORDER

The parties have jointly requested a continuance of the hearing set for Monday, February 1, 2010, because government counsel will be unavailable on February 1, and the parties require time to meet and confer regarding settlement.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, February 1, 2010 be continued to Monday, **MARCH 1, 2010** at 1:30 p.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that in the interest of justice, that the period of time from February 1 to **MARCH 1, 2010** shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

Dated: January 28, 2010



JAMES WARE
United States District Judge